

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Larry Dyson,

Petitioner,

v.

Civil No. 10-3598 (JNE/JJK)
ORDER

Wendy Roal,

Defendant.

This case is before the Court on an Order issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on August 23, 2010. The magistrate judge ordered that Petitioner's current habeas corpus petition be summarily dismissed without prejudice and granted Petitioner leave to file a new pleading in this action subject to certain requirements. The magistrate judge stated that he would recommend dismissal without prejudice of this action if Petitioner does not satisfy those requirements by September 17, 2010. Petitioner objected to the Order. To the extent the Order dismissed without prejudice the habeas corpus petition, the Court construes that portion of the Order as a Report and Recommendation and adopts the Report and Recommendation based on a de novo review of the record. *See* Fed. R. Civ. P. 72; D. Minn. LR 72.2(b). The remainder of the Order is affirmed because it is neither clearly erroneous nor contrary to law. *See* D. Minn. LR 72.2. Therefore, IT IS ORDERED THAT:

1. Petitioner's current habeas corpus petition [Docket No. 1] is summarily DISMISSED WITHOUT PREJUDICE.

Dated: September 3, 2010

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge